

## SENATE BILL No. 105

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-8.1.

**Synopsis:** Public school transfer program. Establishes a public school transfer program, allowing the parent of a student to request a transfer for the student to enroll in: (1) a different public school in the student's base school corporation; or (2) a public school in a different school corporation. Provides an allocation of public funds for transfer students between the base school corporation and the receiving school corporation, and provides that the parent is responsible for transportation and any additional costs. Allows school corporations to enter into an interlocal agreement under which students may attend school in another school corporation. Allows a student who has legal settlement in a school corporation and whose parent owns property for which the parent pays property tax in another school corporation to attend school in the school corporation in which the parent owns property without transfer tuition being charged.

**Effective:** July 1, 2004.

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**Kenley**

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January 6, 2004, read first time and referred to Committee on Education and Career Development.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

## SENATE BILL No. 105

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 20-8.1-6.1-0.5 IS ADDED TO THE INDIANA  
2       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3       [EFFECTIVE JULY 1, 2004]: **Sec. 0.5. This chapter does not apply**  
4       **to a student who under:**

5               (1) **section 14 or 15 of this chapter; or**

6               (2) **the public elementary and secondary school transfer**  
7               **program (IC 20-8.1-16);**

8       **attends a public school that is outside the school corporation in**  
9       **which the student has legal settlement.**

10       SECTION 2. IC 20-8.1-6.1-14 IS ADDED TO THE INDIANA  
11       CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
12       [EFFECTIVE JULY 1, 2004]: **Sec. 14. (a) The governing body of a**  
13       **school corporation may enter into an interlocal agreement under**  
14       **IC 36-1-7 with the governing body of another school corporation**  
15       **under which a student whose legal settlement is in the school**  
16       **corporation may attend school in the other school corporation.**

17       **(b) If a student attends school in another school corporation**



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under an interlocal agreement described in subsection (a):

(1) the provisions of this chapter and IC 20-8.1-6.5 concerning transfer tuition do not apply; and

(2) the terms of the interlocal agreement concerning the payment of costs for the student's attendance apply.

SECTION 3. IC 20-8.1-6.1-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 15. (a)** This section applies to a student:

(1) who has legal settlement in a school corporation; and

(2) whose parent owns property for which the parent pays property taxes in a school corporation other than the school corporation in which the student has legal settlement.

(b) Not later than April 1, the parent of a student to whom this section applies may notify the school corporation in which the parent owns property that the parent intends to enroll the student in the school corporation in which the parent owns property for the following school year.

(c) A school corporation that receives notice under subsection (b):

(1) shall enroll the student in an appropriate school within the school corporation; and

(2) may not request the payment of transfer tuition for the student from the school corporation in which the student has legal settlement or the student's parent.

(d) A student to whom this section applies may not primarily for athletic reasons enroll in a school in a school corporation in which the student does not have legal settlement.

SECTION 4. IC 20-8.1-6.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: **Sec. 0.5.** This chapter does not apply to a student who under:

(1) IC 20-8.1-6.1-14 or IC 20-8.1-6.1-15; or

(2) the public elementary and secondary school transfer program (IC 20-8.1-16);

attends a public school that is outside the school corporation where the student has legal settlement.

SECTION 5. IC 20-8.1-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]:

**Chapter 16. Public Elementary and Secondary School Transfer Program**

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1       Sec. 1. As used in this chapter, "ADM" has the meaning set  
2       forth in IC 21-3-1.6-1.1.

3       Sec. 2. As used in this chapter, "base school corporation" means  
4       the school corporation in which a student has legal settlement.

5       Sec. 3. As used in this chapter, "program" refers to the public  
6       elementary and secondary school transfer program.

7       Sec. 4. As used in this chapter, "public school" has the meaning  
8       set forth in IC 20-10.1-1-2.

9       Sec. 5. As used in this chapter, "transfer" refers to a transfer  
10       under the public elementary and secondary school transfer  
11       program established under this chapter.

12       Sec. 6. The public elementary and secondary school transfer  
13       program is established.

14       Sec. 7. On a date the department specifies that falls before the  
15       beginning of a school year, the department shall grant transfers  
16       and renewal transfers under this chapter.

17       Sec. 8. (a) The department shall grant a transfer to a student if  
18       the following requirements are met:

19           (1) The student's parent requests a transfer for the student.

20           (2) The student's parent selects a school for the student to  
21           attend under the transfer program.

22           (3) The school is a public school in Indiana that is:

23               (A) in the student's base school corporation but is a  
24               different school from the school where the school  
25               corporation has assigned the student; or

26               (B) not a school in the student's base school corporation.

27           (4) Except as provided in section 14(b) of this chapter, the  
28           principal of the school and the superintendent of the school  
29           corporation in which the school is located jointly agree to  
30           enroll the student in the school.

31       (b) The department shall grant a renewal transfer to a student  
32       who meets the following requirements:

33           (1) The student previously received a transfer in any year.

34           (2) The requirements of subsection (a) are met.

35       (c) The department may not grant a transfer to a student who  
36       wishes to enroll in a school primarily for athletic reasons.

37       Sec. 9. Not later than April 1 before the beginning of a school  
38       year for which a parent seeks enrollment of a student under the  
39       transfer program, the student's parent must notify the  
40       superintendent of the school corporation in which the parent seeks  
41       to have the student enrolled of the parent's request to have the  
42       student enrolled.

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**Sec. 10. (a) The superintendent of a school corporation in which a parent seeks enrollment of a student under the transfer program:**

- (1) is not required to enroll the student; and**
- (2) may not enroll the student if enrollment will cause the school corporation to be out of compliance with a court order, including a court order described in IC 20-8.1-6.5-1.**

**(b) A superintendent may not refuse to enroll a student in violation of IC 20-8.1-2 or because the student has a disability.**

**(c) A superintendent shall notify a parent who makes a request under section 9 of this chapter of the superintendent's decision not later than thirty (30) days after receiving a request for enrollment under section 9 of this chapter. If a superintendent does not notify a parent of the superintendent's decision not later than thirty (30) days after receiving a request for enrollment, the request to enroll is considered to be granted.**

**Sec. 11. The following apply when a student transfers under this chapter to a school in the student's base school corporation:**

- (1) There is no monetary transfer award.**
- (2) There is no change in:**
  - (A) the ADM of the school corporation; or**
  - (B) state assistance to the school corporation.**
- (3) The school corporation is not required to provide transportation for the student.**

**Sec. 12. The following apply when a student transfers under this chapter to a school that is not in the student's base school corporation:**

- (1) IC 20-1-6-18.1 applies to the transfer of a student with a disability under this chapter or under IC 20-1-6-18.1.**
- (2) The amount of the transfer tuition is fifty percent (50%) of the state aid per ADM provided under IC 21-3 to the student's base school corporation.**
- (3) The student remains in the ADM of the student's base school corporation until the earlier of the following:**
  - (A) The date the student graduates from a high school.**
  - (B) The date of the end of the school year during which the student becomes eighteen (18) years of age.**
- (4) The school that enrolls the student may not include the student in the school's ADM.**
- (5) The department shall do the following:**
  - (A) Pay the amount of the transfer tuition to the school that enrolls the student.**
  - (B) Deduct the amount of the transfer tuition from the**

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1 distribution of state aid to the student's base school  
2 corporation.

3 (6) The parent of the student is responsible for all costs of the  
4 student to attend the school that exceed the amount of the  
5 transfer tuition.

6 (7) The student's base school corporation and the school  
7 corporation that enrolls the student are not responsible for  
8 providing transportation for the student.

9 Sec. 13. Except as provided in section 14(b) of this chapter, at  
10 the end of each school year the superintendent of the school  
11 corporation that enrolls a student under the program and the  
12 principal of the school the student attends shall jointly:

13 (1) determine whether to enroll the student for the following  
14 school year; and

15 (2) inform the department of their decision.

16 Sec. 14. (a) The governing body of a school corporation may  
17 adopt a policy that sets guidelines to be used in determining:

18 (1) whether to accept a student for enrollment under the  
19 program; and

20 (2) whether to continue a student's enrollment under the  
21 program.

22 (b) Notwithstanding sections 8(a)(4) and 13 of this chapter, a  
23 policy adopted under this section may provide that the governing  
24 body makes a determination of whether to enroll a student or to  
25 continue a student's enrollment under the program.

26 Sec. 15. A school corporation or school may not solicit the  
27 parents of a student to transfer the student to the school  
28 corporation or school.

29 Sec. 16. For purposes of accountability for performance and  
30 assessing school improvement under IC 20-10.2, a student who  
31 transfers to a school under the program established by this chapter  
32 is included as a student in the school to which the student  
33 transferred.

34 Sec. 17. The department shall establish procedures to  
35 administer this chapter.

36 Sec. 18. The state board of education may adopt rules under  
37 IC 4-22-2 to implement and administer the program.

38 SECTION 6. [EFFECTIVE JULY 1, 2004] (a) As used in this  
39 SECTION, "department" has the meaning set forth in  
40 IC 20-8.1-1-17.

41 (b) As used in this SECTION, "school year" means the period  
42 described in IC 20-10.1-2-1.

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- 1           (c) The department shall grant transfers under IC 20-8.1-16, as  
2       added by this act, beginning with the 2005-2006 school year.  
3           (d) This SECTION expires July 1, 2007.

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